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19 Attorneys for Plaintiff
20 UNITED STATES OF AMERICA

21 UNITED STATES DISTRICT COURT

22 FOR THE CENTRAL DISTRICT OF CALIFORNIA

23 ALMONT AMBULATORY SURGERY CENTER,
24 LLC, a California limited
25 liability company, et al.,

26 Plaintiffs,

27 v.

28 UNITEDHEALTH GROUP, INC.; UNITED
29 HEALTHCARE SERVICES, INC., UNITED
30 HEALTHCARE INSURANCE COMPANY;
31 OPTUMINSIGHT, INC., and DOES 1
32 through 20,

33 Defendants.

34 UNITED HEALTHCARE SERVICES, INC.,
35 UNITED HEALTHCARE INSURANCE
36 COMPANY; OPTUMINSIGHT, INC.,

37 Counterclaim Plaintiffs,

38 v.

39 ALMONT AMBULATORY SURGERY CENTER,
40 LLC, a California limited
41 liability company, et al.,

42 Counterclaim Defendants.

ORIGINAL
Lodged Proposed Order

BY KMA
CLERK'S OFFICE, DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES, CALIF.

2015 JAN 15 AM 10:10

FILE

MEMORANDUM OF POINTS AND AUTHORITIES

2 Individual Counterclaim Defendants Michael Omidi, M.D., and
3 Julian Omidi and Plaintiffs and Counterclaim Defendants Almont
4 Ambulatory Surgery Center, LLC, et al. (collectively "Counterclaim
5 Defendants") have filed a motion to unseal search and seizure warrant
6 affidavits in an ongoing criminal investigation. A hearing on their
7 motion is scheduled for February 2, 2015, at 10 a.m. Although
8 Counterclaim Plaintiffs are opposing this motion, the government
9 should be permitted to intervene to protect its own interests in the
10 ongoing criminal investigation by opposing any effort to allow
11 viewing of the sealed affidavits. Counsel for Counterclaim
12 Defendants (Charles Kreindler) and for Counterclaim Plaintiffs (R.J.
13 Zayed) have each stated that they do not oppose this request.

14 Rule 24 of the Federal Rules of Civil Procedure provides the
15 standards governing an application to intervene. It states that
16 "upon timely application anyone shall be permitted to intervene in an
17 action...when the applicant claims an interest relating to the
18 property or transaction which is the subject of the action...." Fed.
19 R. Civ. P. 24(a).

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1 Since the government has a strong interest in the outcome of
2 Counterclaim Defendants' motion to unseal the affidavit at issue and
3 the other parties do not oppose this motion, the government
4 respectfully requests that the Court grant this request.

5
6 Dated: January 14, 2015

Respectfully submitted,

7 STEPHANIE YONEKURA
8 Acting United States Attorney

9 ROBERT E. DUGDALE
10 Assistant United States Attorney
11 Chief Criminal Division

12 CONSCUELO WOODHEAD
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Attorneys for Third Party
UNITED STATES OF AMERICA

CERTIFICATE OF SERVICE

I, Susana Ybarra-Lopez, declare:

That I am a citizen of the United States and a resident of or employed in Los Angeles County, California; that my business address is the Office of United States Attorney, 312 North Spring Street, Los Angeles, California 90012; that I am over the age of 18; and that I am not a party to the above-titled action;

That I am employed by the United States Attorney for the Central District of California, who is a member of the Bar of the United States District Court for the Central District of California, at whose direction I served a copy:

THIRD PARTY UNITED STATES OF AMERICA'S UNOPPOSED EX PARTE
REQUEST TO INTERVENE

- Placed in a closed envelope for collection and inter-office delivery, addressed as follows:

Placed in a sealed envelope for collection and mailing via United States mail, addressed as follows:

See attachment below

- By hand delivery, addressed as By facsimile, as follows:
follows:

- Electronic Mail as follows: By Federal Express, as follows:

at the last known address, at which place there is a delivery service by United States mail.

This Certificate is executed on January 15, 2015, at Los Angeles, California.

I certify under penalty of perjury that the foregoing is true and correct.

Susana Ybarra Lopez
Susana Ybarra Lopez
Legal Assistant

ATTACHMENT

CV 14-03053-MWF- (VBKx)

VIA UNITED STATES MAIL

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